IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 29TH DECEMBER 2006 / 8TH POUSHA 1928

Bail Appl..No. 7649 of 2006()

Crime No.(CR) 31/06 of Excise Range, Thrithala

: PETITIONER/ACCUSED:

HARIDASAN, KAIPPADAPADINJARETHIL,
THIRUMITTACODE, THRITHALA, OTTAPPALAM TALUK.

BY ADV. SRI.SURIN GEORGE IPE

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA
AT ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.Krishnan, J.

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B.A.No.7649 of 2006

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Dated this the 29th day of December, 2006.

ORDER

This is an application for bail under Section 438 of Cr.P.C. wherein the accused is alleged to have committed an offence under Section 55(g) of the Kerala Abkari Act. The report submitted by the Excise Range Inspector was given to me for perusal. It is stated therein that 200 litres of wash were found from a shed, which is situated on the south-western side of the petitioner's residence. The petitioner's counsel would submit that since he had refused to sign as a mahazar witness, a false case was registered against him. I am not prepared to accept the same. The offence alleged is of very serious nature. Therefore, bail under Section 438 of Cr.P.C. cannot be granted as it is not intended to circumvent the law and procedure. However, the petitioner is at liberty to surrender before the Magistrate and the learned Magistrate, as far as possible shall try to dispose of the

application to be filed by the petitioner on the date of his surrender itself.

This application is accordingly dismissed.

M.N.Krishnan,
Judge.

ess 29/12